



CYFD transparency bill sails through House Health and Human Services Committee

BY **RICK NATHANSON / JOURNAL STAFF WRITER**

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The House Health and Human Services Committee on Wednesday endorsed legislation that would provide greater transparency from the state's Children, Youth and Families Department.

There was no opposition to House Bill 10, whose supporters included CYFD.

The bill was approved by a 10-zero vote by the committee.

Rep. Marian Matthews, D-Albuquerque, the bill's primary sponsor, told the committee that CYFD has "historically and to a great extent legally" been required to remain secretive about cases involving children and families.

“When a child who is alleged to have been neglected or abused dies, the public asks ‘how could this have happened,’ and, unfortunately, almost always there have been no public answers,” Matthews said.

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HB10, which is limited to Child Protective Services, continues to protect the identity of children and their parents who are under investigation or are involved in proceedings that allege abuse or neglect, Matthews said.

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“This is truly a sea change in the role of the agency in helping people understand in providing answers to important questions when we have children who are hurt or die when in custody of the department,” she said.

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CYFD Secretary Barbara Vigil said the agency fully supports House Bill 10, “as a replacement of our existing overly restrictive confidentiality statute that is currently in the law.”

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CYFD’s Director of Protective Services Division, Emily Martin, said the legislation “relaxes the confidentiality

of the statutes and allows for us to disclose more information to more entities.”

The change, she said, “is not only consistent with recent federal case law issued in the 10th Circuit, but also supports the department and the entire system in being more transparent, and increases the accountability placed on us at CYFD and Protective Services, as well as those individuals that have done harm.”

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Alison Endicott-Quoñones, legal director of Advocacy Inc., the largest provider of legal services for children in the foster care system, said her organization supports House Bill 10 because it provides transparency, accountability and oversight of CYFD, which “has had its hands tied in providing information to everyone so that we can see the totality of the issues in our system.”

Melanie Majors, executive director of the New Mexico Foundation for Open Government, said “while this bill does not go far enough, it does include changes that makes public some information now kept secret.”

She noted that CYFD’s website dashboard will have to update and make accessible basic records.

“Currently, it often takes IPRA (Inspection of Public Record Act) requests, and when reporters are facing

deadlines to get this information, it's difficult," Majors said. "We are still concerned about one aspect of the bill that keeps some information confidential. But at the same time, we believe this is the first step, a positive step."

Also speaking in support of HB10 were representatives of the Chaves County Court Appointed Special Advocate program and its children Advocacy Center, and the state chapter of the National Association of Social Workers.

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